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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/600,987   | 06/20/2003  | Wendy Eason          | 60027.0203US01/BS02513 | 7133             |
| 23552  | 7590        | 11/15/2006           | EXAMINER               |                  |
| MERCHANT & GOULD PC<br>P.O. BOX 2903<br>MINNEAPOLIS, MN 55402-0903 |             |                      | SMITH, CREIGHTON H     |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 2614                   |                  |

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/600,987

**Applicant(s)**

EAŞON ET AL.

**Examiner**

Creighton H. Smith

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 4, 7, 10, 11, 16, 17, 19-22, 24, 27-29, 31-33, 37, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandegren '930.

Sandegren's invention provides a technique for notifying mobile users of various status conditions associated with other mobile users, col. 1, lines 65-67. Sandegren discloses a system that will notify a 1<sup>st</sup> user, applicant's communication sender, of a mobile communication device about the status of other users in a mobile communication system, Abstract – 1<sup>st</sup> sentence. Sandegren's system sends a signal from a mobile communication device (the mobile device of the 1<sup>st</sup> user) to a service node (SN), Abstract – 2<sup>nd</sup> sentence. A list is stored at the SN of the status of other users that the 1<sup>st</sup> user desires to know the status of, 3<sup>rd</sup> sentence – Abstract. The status of each of the other users, i.e., other than the 1<sup>st</sup> user/sender, is then determined and then transmitted from the SN to the 1<sup>st</sup> user's mobile device, Abstract-4<sup>th</sup> sentence. The signal from the mobile device (of the 1<sup>st</sup> user/sender) to the SN is generated in response to the mobile device being powered on.

For claims 2 & 3, Sandegren discloses in the last sentence of the Abstract that the SN is an HLR. Regarding claim 7, Sandegren discloses @ col. 6, lines 18 et seq that

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one of the status changes is notification of the mobile device being off, and in lines 17 discloses that display portion 103 will indicate this to the user. For claim 19, Sandegren discloses SMS, cols. 1 & 7, lines 25-30 & 20-25. Pertaining to claim 17, see Fig. 1a.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 8, 9, 12-15, 18, 23, 25, 26, 30, 34, 35, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandegren '930.

Concerning claims 5 & 6, with Sandegren's disclosure in col. 1, lines 65-67, of various status conditions of other mobile users, and in col. 7, lines 3 et seq, that the techniques that Sandegren has disclosed may be applied to implement a number of different variations of WOLN services. A person with ordinary skill in the cellular communications art, with this disclosure in front of them, would have readily concluded that another notification variation to be given to a sender in this type of system would be one indicating that another user is "out of transmission range" would have been obvious to a person having ordinary skill in this art because of Sandegren's disclosure in cols. 1 & 7 noted supra. For claim 19, with Sandegren's disclosure of "mobile communication devices," a person possessing ordinary skill in the art would quickly recognize that a pager fits into that mobile/wireless category.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

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A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is fluid and cursive, with a large initial "C" and a stylized "S".

Creighton H Smith  
Primary Examiner  
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